

Central Intelligence Agency

DRAFT



Washington, D.C. 20505

The Honorable William V. Roth, Jr.
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Roth:

I am most pleased to be able to respond to your letter requesting comments on S. 1347, a bill to provide access by the Department of Defense, the Office of Personnel Management and the Central Intelligence Agency to state and local criminal history record information for national security purposes.

The Agency supports this legislation. Currently, state and local laws governing access to criminal history record information often hinder background investigations of persons seeking employment with the United States Government in positions requiring access to sensitive national security information. By removing those barriers, this legislation would enhance our ability to conduct the sort of thorough background investigation necessary to arrive at a reasonable judgment about an individual's trustworthiness. In these times when the United States faces renewed threats of espionage, we believe this legislation would be a valuable weapon against such threats. On behalf of the Agency, I therefore commend it to the Committee on Governmental Affairs for favorable consideration .

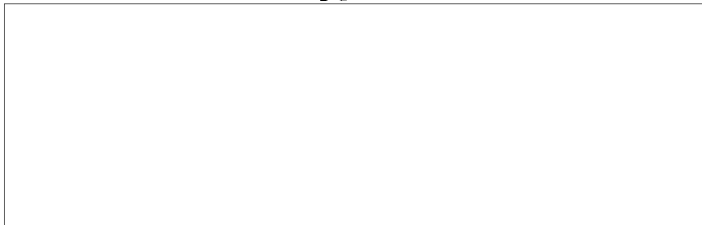
The Office of Management and Budget has advised that this report is consistent with the President's legislative program.

Sincerely,

Charles A. Briggs
Director, Office of Legislative Liaison

Agency's views by 12 August, we ask to receive your views by 6 August 1985.

4. Your prompt cooperation is most appreciated.



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Attachment
as stated

S. 1347

IN THE SENATE OF THE UNITED STATES

A BILL

1 (1) that under the Constitution, Congress has the
2 responsibility and power to provide for the common de-
3 fense and security of our Nation;

4 (2) that the interests of national security require
5 that the Department of Defense, the Office of Person-
6 nel Management, or the Central Intelligence Agency
7 conduct investigations of individuals for the purpose of
8 determining eligibility for access to classified informa-
9 tion, assignment to or retention in sensitive national
10 security duties, or acceptance or retention in the armed
11 services;

12 (3) that the interests of national security require
13 that the Department of Defense, the Office of Person-
14 nel Management, or the Central Intelligence Agency
15 have access to criminal history record information
16 when conducting investigations of individuals for the
17 purpose of determining eligibility for access to classified
18 information, assignment to or retention in sensitive na-
19 tional security duties, or acceptance or retention in the
20 armed services; and

21 (4) that the interests of national security have
22 been adversely affected by the reluctance and refusal of
23 many State and local criminal justice agencies to pro-
24 vide criminal history record information to the Depart-
25 ment of Defense, the Office of Personnel Management,

1 or the Central Intelligence Agency for use in investiga-
2 tions of individuals for the purpose of determining eligi-
3 bility for access to classified information, assignment to
4 or retention in sensitive national security duties, or
5 acceptance or retention in the armed services.

6 SEC. 3. Chapter 31 of title 10, United States Code, is
7 amended by striking out section 520a and substituting the
8 following:

9 **"§ 520a. Criminal history record information for national**
10 **security purposes**

11 **"(a) As used in this chapter:**

12 **"(1) The term 'criminal justice agency' includes**
13 **Federal, State, and local agencies and means: (A)**
14 **courts or (B) Government agency or any subunit**
15 **thereof which performs the administration of criminal**
16 **justice pursuant to a statute or Executive order, and**
17 **which allocates a substantial part of its annual budget**
18 **to the administration of criminal justice.**

19 **"(2) The term 'criminal history record informa-**
20 **tion' means information collected by criminal justice**
21 **agencies on individuals consisting of identifiable de-**
22 **scriptions and notations of arrests, detentions, indict-**
23 **ments, information, or other formal criminal charges,**
24 **and any disposition arising therefrom, sentencing, cor-**
25 **rection supervision, and release. The term does not in-**

1 clude identification information such as fingerprint
2 records to the extent that such information does not
3 indicate involvement of the individual in the criminal
4 justice system.

5 “(3) The term ‘classified information’ means infor-
6 mation or material designated pursuant to the provi-
7 sions of a statute or Executive order as requiring pro-
8 tection against unauthorized disclosure for reasons of
9 national security.

10 “(4) The term ‘State’ means any of the several
11 States, the District of Columbia, the Commonwealth of
12 Puerto Rico, the Northern Mariana Islands, Guam, the
13 Virgin Islands, American Samoa, the Trust Territory
14 of the Pacific Islands, and any other territory or pos-
15 session of the United States.

16 “(5) The term ‘local’ and ‘locality’ means any
17 local government authority or agency or component
18 thereof within a State having jurisdiction over matters
19 at a county, municipal, or other local government
20 level.

21 “(b)(1) Upon request by the Department of Defense, the
22 Office of Personnel Management, or the Central Intelligence
23 Agency criminal justice agencies shall make available crimi-
24 nal history record information regarding individuals under in-
25 vestigation by the Department of Defense, the Office of Per-

1 sonnel Management, or the Central Intelligence Agency for
2 the purpose of determining eligibility for (A) access to classi-
3 fied information, (B) assignment to or retention in sensitive
4 national security duties, or (C) acceptance or retention in the
5 armed services. Fees charged for providing criminal history
6 record information pursuant to this subsection shall not
7 exceed those charged to other government agencies for such
8 information.

9 “(2) This subsection shall apply notwithstanding any
10 other provision of law or regulation of any State or of any
11 locality within a State, or any other law of the United States.

12 “(c) The Department of Defense, the Office of Personnel
13 Management, or the Central Intelligence Agency shall not
14 obtain criminal history record information pursuant to this
15 section unless it has received written consent from the indi-
16 vidual under investigation for the release of such information
17 for one or more of the purposes set forth in subsection (b).

18 “(d) Criminal history record information received under
19 this section shall not be disclosed except for the purposes set
20 forth in subsection (b) or as provided by section 552a of title
21 5, United States Code.”.

22 SEC. 4. The amendments made by this Act shall become
23 effective with respect to any inquiry which begins after the
24 date of enactment of this Act conducted by the Department
25 of Defense, the Office of Personnel Management, or the Cen-

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1 tral Intelligence Agency for any of the purposes specified in
2 subsection (b) of section 520a of title 10, United States Code,
3 as added by this Act.

4 SEC. 5. The amendments made by this Act are made
5 pursuant to the powers vested in Congress as found in sec-
6 tion 8 of article I of the United States Constitution.

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